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AT ROANOKE, VA
FILED

AUG 23 2007

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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

RICHARD DEGOUT,
Petitioner,

v.

T. O'BRIEN, WARDEN,
Respondent.

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Civil Action No. 7:07-cv-00374

FINAL ORDER

By: Hon. James C. Turk
Senior United States District Judge

In accordance with the accompanying memorandum opinion, it is hereby

ADJUDGED AND ORDERED

that the petition for a writ of habeas corpus, pursuant to 28 U.S.C. § 2241, is hereby **CONSTRUED**
and DISMISSED without prejudice as a successive motion to vacate, set aside or correct sentence,
pursuant to 28 U.S.C. § 2255, and stricken from the active docket of the court. It is further
ORDERED that petitioner's presentence report, which he submitted as an exhibit to his petition,
shall be placed and maintained under seal.

The Clerk is directed to send copies of this order and the accompanying memorandum
opinion to petitioner.

ENTER: This 23rd day of August, 2007.

James C. Turk

Senior United States District Judge